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5 Attorney for: Secured Creditor,
Aurora Loan Services, LLC, its assignees and/or successors
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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SANTA ROSA DIVISION
12

13 In re) Case No. 10-13663 J
14)
15) Chapter 13
Hugo Tapia,)
16)
Debtor.) **OBJECTION TO CONFIRMATION**
17) **OF CHAPTER 13 PLAN**
18)
19) **341(a) Meeting of Creditors:**
20) Date: 11/1/2010
21) Time: 8:00 AM
22) Place: 777 Sonoma Avenue #116
Santa Rosa CA
23)
24) **Confirmation Hearing:**
25) Date: 12/20/2010
26) Time: 1:30 PM
27) Place: 99 South E Street
Santa Rosa CA
28)
29) Judge: Alan Jaroslovsky
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1 Aurora Loan Services, LLC, its assignees and/or successors, ("Secured Creditor") in the
2 above-entitled Bankruptcy proceeding, hereby submits the following Objections to Confirmation
3 of the Chapter 13 Plan proposed by ("Debtor") Hugo Tapia.

4 1. This objecting Secured Creditor services and is entitled to receive payments
5 pursuant to a Promissory Note which matures on 7/1/2035 and is secured by a Deed of Trust on
6 the subject property commonly known as 9480 Erika Drive, Windsor, CA 95492. As of
7 9/22/2010, the amount in default was \$2,112.93, as described in the Proof of Claim filed by this
8 Secured Creditor on or about 10/29/2010, incurred with respect to the default. **See Exhibit "1"**.

9 2. The proposed Plan does not set forth a reasonable schedule and time period for
10 the payment of the arrearages owed to Secured Creditor. The payoff period and monthly
11 repayment amount proposed by the Debtor exceed a reasonable arrangement in light of Debtor's
12 past non-payment history. Debtor alleges in the Plan that the arrears owed to Secured Creditor
13 are in the amount of \$0.00, while in fact the actual arrears owed are in the amount of \$2,112.93,
14 as set forth in the Proof of Claim. To cure the pre-petition arrearages of \$2,112.93 over the term
15 of the Plan within 60 months, Secured Creditor must receive a minimum payment of \$35.22 per
16 month from the Debtor through the Plan. Debtor's Plan provides for payments to the Trustee in
17 the amount of \$405.00 per month for 60 months. Debtor does not have sufficient funds available
18 to cure the arrears over the term of the Plan within 60 months. Clearly, the Plan is not feasible.
19 A true and correct copy of Debtor's Schedules I and J is attached hereto as **Exhibit "2"**.

20 3. Unless otherwise ordered, under 11 U.S.C. § 1326(a)(1), the Debtor shall
21 commence making the payments proposed by the Plan within 30 days after the Petition is filed.
22 The Plan must comply with all applicable provisions of 11 U.S.C. § 1325 to be confirmed. As
23 such, the Plan cannot be confirmed.

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WHEREFORE, Secured Creditor prays as follows:

1. That confirmation of the Proposed Chapter 13 Plan be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor within 60 months;
2. For attorneys' fees and costs herein,
3. For such other relief as this Court deems proper.

McCarthy & Holthus, LLP

By: /s/ Gregory J. Babcock, Esq.
Gregory J. Babcock, Esq.
Attorney for Secured Creditor
Aurora Loan Services, LLC